

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

QAMAR LEWIS and REGINALD
MARSHALL-HOWARD,

Plaintiffs,

v.

Case No: 6:23-cv-745-WWB-LHP

OPG SECURITY LLC,

Defendant

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: MOTION FOR CLERKS DEFAULT (Doc. No. 13)

FILED: August 7, 2023

THEREON it is ORDERED that the motion is DENIED without prejudice.

Plaintiffs move for Clerk's default against Defendant, stating that Defendant was served on July 7, 2023, and has failed to appear otherwise defend. Doc. No. 13. *See also* Doc. No. 11. Upon review, however, the motion will be denied without prejudice for failure to comply with Local Rule 3.01(a). Relatedly, the

motion fails to adequately address, with citation to legal authority, that service of process on Defendant was proper under governing law. *See generally United States v. Donald*, No. 3:09-cv-147-J-32HTS, 2009 WL 1810357, at *1 (M.D. Fla. June 24, 2009) (before a Clerk's default can be entered against a defendant, the Court must determine that the defendant was properly served). A renewed motion, which shall be filed on or before **August 22, 2023**, must include a memorandum of legal authority establishing that service of process was proper under applicable law.

DONE and ORDERED in Orlando, Florida on August 8, 2023.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive style and is positioned above a horizontal line.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties